

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10 CR 89 & 1:11 CR 01**

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
JONATHAN CLINGMAN LOGAN,)	
)	
Defendant.)	
_____)	

THESE MATTERS came on before the court for hearing on February 7, 2011. In file 1:10cr89 the undersigned had scheduled a hearing to review the terms and conditions of pretrial release issued by the undersigned on January 7, 2011 to then make a determination about whether or not defendant's medical condition to be of such a nature as would require extensive medical treatment. In file 1:11cr01, the issue before the court for the undersigned to determine is whether or not defendant should be released on terms and conditions of pretrial release. At the call of this matter on for hearing the government was present and represented through Assistant United States Attorney Tom Ascik and defendant was present and represented by his attorney Fredilyn Sison. From the evidence offered and statements of the Assistant United States Attorney and counsel for defendant, the undersigned makes the following findings.

Findings. The evidence reveals that after the release of defendant, defendant has continued to seek medical treatment for his various medical conditions. The medical condition that the court will address will be the amputation of a toe of defendant which was performed in December of 2010. Defendant is continuing to seek treatment as a result of an infection that has occurred in the bone of his foot at Asheville Infectious Disease Center. The second condition for which the court had concerns was a preliminary diagnosis that defendant had prostate cancer. The court is advised that further testing has shown that defendant does not have prostate cancer. The third condition with which defendant presented are injuries that defendant sustained in a fall while he was in the detention facility. It was discovered that defendant received an injury to his spinal column as a result of the fall. Defendant is scheduled for an operation in the form of a spinal fusion that is scheduled for February 24, 2011.

During the period of time defendant has been released on terms and conditions of pretrial release, which included home incarceration with electronic monitoring, defendant has been fully compliant with all terms and conditions of release. The home incarceration of defendant requires defendant to reside at the home of his sister and to be allowed to leave only for the purpose of court appearances, attorney visits, medical appointments or being allowed by the probation officer to be released for a specific reason or event. Defendant has been compliant with these terms and conditions.

Based upon the foregoing, the undersigned has determined to continue the defendant on terms and conditions of pretrial release.

ORDER

IT IS, THEREFORE, ORDERED that defendant be continue on the terms and conditions of pretrial release previously entered in file **1:10cr89 on January 7, 2011**. It is also **ORDERED** that further hearings in this matter be scheduled for **April 7, 2011** to determine whether or not defendant will continue to be released on terms and conditions of pretrial release. It is the further **ORDER** of the court that defendant be released in file 1:11cr01 on the same terms and conditions of pretrial release entered in file 1:10cr89. The court shall review the release of defendant in regard to file **1:11cr01 on April 7, 2011**.

Counsel for defendant is **ORDERED** to obtain, for the use of the court and the Assistant United States Attorney, copies of medical records of treatment of defendant for the period from **February 7, 2011 up to April 7, 2011**. As many of the records as may possibly be obtained are to be delivered to the Assistant United States Attorney on or before **April 1, 2011** to give the Assistant United States Attorney an opportunity to review these records prior to the hearing.

Signed: February 9, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

